



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5677**
Koji TESHIMA et al. : Attorney Docket No. 2004_1514A
Serial No. 10/508,339 : Group Art Unit 1625
Filed October 25, 2004 : Examiner David K O Dell
REMEDY FOR SLEEP DISTURBANCE : **Mail Stop: Issue Fee**

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.705(b), Applicants respectfully request that the Patent Term Adjustment ("PTA") for this application should be 477 days, instead of 473 days as indicated in the Issue Notification.

In particular, according to the Patent Term Adjustment history, the USPTO is responsible for 575 day increase in patent term while the Applicants are responsible for 102 days decrease in this adjustment. However, Applicants believe that this decrease in 102 days is incorrect. It is noted that a Supplemental Response was filed January 15, 2009. It is indicated that such response is responsible for a delay of 38 days. However, Applicants note that the applicable Office Action was mailed September 12, 2008. Thus, a timely response could have been filed until December 12, 2008. Instead, a Supplemental Response was filed January 15, 2009. This is a total delay of **34 days** instead of 38 days as indicated. Thus, the total amount of Applicants' delay is 98 days. Subtracting 98 days from the USPTO delay of 575 days equals 477 days.

Enclosed herewith is a copy of a print out from the PAIR system showing the Patent Term Adjustment history. Based on the discussion above, Applicants believe that the PTA for this application should be increased to 477 days.

04/29/2009 AWONDAF2 00000074 10508339

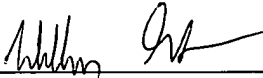
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The required fee of \$200.00 is enclosed.

Respectfully submitted,

Koji TESHIMA et al.

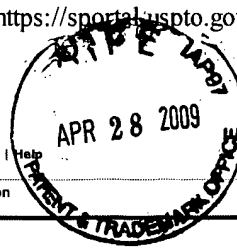
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April 28, 2009



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10/508,339

REMEDY FOR SLEEP DISTURBANCE

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| Select New Case | Application Data | Transaction History | Image File Wrapper | Patent Term Adjustments | Continuity Data | Foreign Priority | Published Documents | Address & Attorney/Agent | Assignments | Display References | Publication Review |
|-----------------|------------------|---------------------|--------------------|-------------------------|-----------------|------------------|---------------------|--------------------------|-------------|--------------------|--------------------|
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Patent Term Adjustment

| | | | |
|------------------------------|------------|--------------------------------------|-----|
| Filing or 371(c) Date: | 10-25-2004 | USPTO Delay (PTO) Delay (days): | 575 |
| Issue Date of Patent: | - | Three Years: | - |
| Pre-Issue Petitions (days): | +0 | Applicant Delay (APPL) Delay (days): | 102 |
| Post-Issue Petitions (days): | +0 | Total Patent Term Adjustment (days): | 473 |
| USPTO Adjustment (days): | +0 | Explanation Of Calculations | |

Patent Term Adjustment History

| Date | Contents Description | PTO(Days) | APPL(Days) |
|------------|---|-----------|------------|
| 02-23-2009 | Mail Notice of Allowance | | |
| 02-23-2009 | Notice of Allowance Data Verification Completed | | |
| 01-22-2009 | Document Verification | | |
| 02-23-2009 | Date Forwarded to Examiner | | |
| 01-15-2009 | Supplemental Response | | 38 |
| 01-22-2009 | Case Docketed to Examiner in GAU | | ↑ |
| 01-11-2009 | Examiner Interview Summary Record (PTOL - 413) | | ↑ |
| 01-16-2009 | Date Forwarded to Examiner | | ↑ |
| 01-15-2009 | Supplemental Response | | ↑ |
| 01-05-2009 | Date Forwarded to Examiner | | ↑ |
| 12-08-2008 | Amendment after Final Rejection | | ↑ |
| 09-12-2008 | Mail Final Rejection (PTOL - 326) | | |
| 09-12-2008 | Final Rejection | | |
| 07-12-2008 | Date Forwarded to Examiner | | |
| 06-18-2008 | Response after Non-Final Action | | |
| 03-18-2008 | Mail Non-Final Rejection | | |
| 03-13-2008 | Non-Final Rejection | | |
| 02-06-2008 | Date Forwarded to Examiner | | |
| 12-26-2007 | Response after Non-Final Action | | 64 |
| 12-26-2007 | Request for Extension of Time - Granted | | ↑ |
| 07-23-2007 | Mail Non-Final Rejection | 575 | |
| 07-17-2007 | Non-Final Rejection | ↑ | |
| 07-17-2007 | Case Docketed to Examiner in GAU | ↑ | |
| 05-06-2007 | Case Docketed to Examiner in GAU | ↑ | |
| 10-14-2005 | IFW TSS Processing by Tech Center Complete | ↑ | |
| 10-25-2004 | Miscellaneous Incoming Letter | ↑ | |
| 10-14-2005 | Case Docketed to Examiner in GAU | ↑ | |
| 10-25-2004 | Reference capture on IDS | ↑ | |
| 02-28-2005 | Cleared by OIPE CSR | ↑ | |
| 02-18-2005 | Cleared by OIPE CSR | ↑ | |
| 02-18-2005 | Cleared by OIPE CSR | ↑ | |
| 10-25-2004 | 371 Completion Date | ↑ | |
| 02-08-2005 | Application Dispatched from OIPE | ↑ | |
| 02-08-2005 | Notice of DO/EO Acceptance Mailed | ↑ | |

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